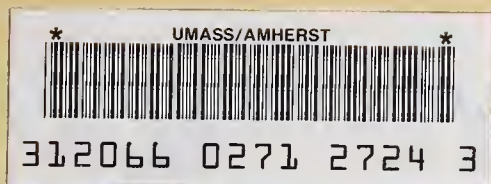


MASS. EA26.2: Q38



# QA

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## Questions & Answers on the Solid Waste Act of 1987

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**L**andfilling has been the cheap and easy method to dispose of trash. For centuries we piled our garbage on land that was out-of-the-way and unsuitable for building. Unfortunately we did not realize that many of these sites were also environmentally sensitive areas. As a consequence, two-thirds of the state's active municipal and commercial landfills now sit over groundwater, posing a threat to our drinking water supplies.

Exacerbating the situation still further is that the Commonwealth is rapidly running out of landfill space. It is projected that by 1990 three quarters of our active municipal and commercial landfills will be closed, largely due to lack of space. Today, we are sending over one million tons of trash to other states each year. But that option is just a stop gap since those states are themselves facing shrinking capacity and rising disposal costs, and are starting to refuse Massachusetts' solid waste.

New solid waste facilities that protect the environment are far more expensive than the old "town dump". Properly closing old, abandoned landfills to make sure they don't pollute can cost \$80,000 per acre and new landfills cost a minimum of \$150,000 per acre to build. Resource recovery facilities, which burn trash and recover energy, can cost over \$200 million.

Solving this crisis will require a variety of measures to address past mistakes and construct a new generation of environmentally sound solid waste disposal facilities with enough capacity to dispose of all the Commonwealth's solid waste. It will also mean keeping useful materials such as glass, metal, and paper out of the waste stream to recycle them into new products.

The Solid Waste Act of 1987 will help us to do this. The Act provides \$260.5 million in financial assistance to cities, towns, and other public bodies, as well as a range of non-monetary provisions to ensure that in the future, solid waste disposal facilities do not threaten the environment or human health.

A major goal of the Solid Waste Act is groundwater protection. First, DEQE will undertake a comprehensive state-wide landfill assessment program, which will be the first of its kind in Massachusetts. If an assessment identifies that existing drinking water supplies have been contaminated by landfill leachate, or that clean groundwater is threatened by contamination, the Act provides a combination of loans and grants to cities and towns for landfill closure and containment, and groundwater clean-up.

The Act also enables communities to take a number of measures to provide a new environmentally sound and cost-effective solid waste disposal capacity. This will include construction of transfer stations, new landfills (or expansions of existing landfills) and creation of recycling and composting facilities.

Program	Funding Limit*	Grant/Loan**	Loan Terms	Budget
Landfill assessment and cleanup to protect groundwater	100%	90/10	No interest	\$100 million
Establishment of acute toxics lab		100/0		\$3 million
Solid waste facility construction (regional and commercial)	90%	40/60	No interest	\$50 million
Solid waste facility construction (regional, residential)	90%	30/70	No interest	\$40 million
Landfill closure linked to regional solution	90%	20/80	No interest	
Landfill closure without regional project	90%	0/100	With interest	\$10 million
Solid Waste Superfund				\$12.5 million
Recycling & solid waste planning		Funding method to be determined		\$35 million
Composting				\$10 million

\*represents maximum percentage of project costs to be paid by the state  
 \*\*funding will be paid by a combination of grants and loans according to percentages listed



**What will the future of solid waste management in Massachusetts look like? How does the Act encourage the transition?**

In the past, most cities and towns met their solid waste disposal needs independently. Since regional facilities are more cost-effective than those serving a single community, the Solid Waste Act encourages regional development. First, the financial assistance programs in the Act give preference to regional projects. Second, the “master plan” process pre-

scribed in the Act will help the Division of Solid Waste Management and municipalities to work together to manage the transition to regional solid waste management. Extensive research and a public participation program that includes a series of hearings to gather local input will precede the release of the final Solid Waste master plan on June 1, 1989.

**How will the Commonwealth determine which cities and towns receive financial assistance?**

DEQE will develop a priority system, as required by the Solid Waste Act, which ranks applications for assistance in the various programs described below. In addition to specifying the priority system, the Act directs DEQE to give financial assistance only to projects which conform to the “master plan” described above. The priority system will favor proposals to clean up environmental hazards and new projects which safeguard against similar problems. It will consider a number

of additional factors, including:

- The extent to which the application relates to a regional (two or more communities) disposal project, such as a regional resource recovery project, landfill or recycling and composting program, and;
- The extent to which the application, or any person with whom the applicant may contract to construct or operate a proposed project has complied with solid waste regulations in the past.

**How does the Solid Waste Act promote recycling and composting?**

Each year, one-third, or two million tons, of the solid waste that we are burying or burning could be recycled or composted into useful materials. Today, only about 5 percent of Massachusetts’ solid waste is recovered. DEQE has set a goal of raising that figure to 25 percent, which will ease the burden of managing the remainder of our waste.

The Act provides \$35 million for the construction of regional recycling facilities, called Materials Recovery Facilities, and grants to cities and towns to begin recycling or upgrade existing programs.

The money will also finance continuing research and development of new recycling technologies, and also help develop comprehensive solid waste management plans for local communities.

The Act also creates two composting programs. DEQE will administer a \$7 million program for municipal leaf and yard waste composting. The Department of Food and Agriculture will establish a \$3 million program for agricultural composting. Each will have both state-funded projects and grants to cities and towns.

**How can a municipality find out if its landfill is an environmental hazard?**

Many communities have not assessed the environmental threats posed by public or private landfills in their jurisdiction. To gather this information, DEQE will carry out a preliminary assess-

ment of every landfill site. Following the discovery of an environmental problem at a particular landfill, DEQE will provide grants for additional study to identify the exact nature and extent of the threat.

**How will the Commonwealth help solve environmental problems caused by existing landfills?**

Improperly closed landfills can be a continuing source of environmental problems. For a number of reasons, including a lack of knowledge of the potential hazards, lack of financial resources or alternative fiscal priorities, many landfill owners, public and private, simply abandoned landfills rather than properly close them.

Today, we know of the environmental protection measures required for the protection of public health and the environment. Since proper closure, which includes an impervious cap over the landfill and long-term monitoring, is expensive, the Act allows public bodies

to apply for a combination of grants and loans for landfill closures that solve serious environmental problems, including groundwater contamination. The city or town can apply for a combination of grants and loans (90 percent grant/10 percent no-interest loan) for up to 100 percent of the cost of a landfill closure or other remedial actions to clean up a drinking water supply contaminated by landfill leachate.

The Act sets up a solid waste “superfund” similar to that already in place for hazardous waste under Chapter 21E of the Massachusetts General Laws. The Act empowers DEQE to inspect landfills ►



and to identify the existence or threat of pollution causing a threat to public health. If a public health threat is discovered, DEQE notifies the owner for what remedial steps are necessary. In cases where private landfills have caused the groundwater contamination problem, the landfill owner is responsible for the clean-up. Should the owner refuse to carry out the

specified remedial work, DEQE has the power to carry the necessary work, and to bill the owner of private facilities for three times the cost of that work. Municipalities are not subject to the treble liability section, but they must pay DEQE for the cost of the Commonwealth's remedial work if they have refused to do the work themselves.

### **How will the Commonwealth assist with the construction of new disposal facilities?**

**T**he Act provides financial assistance for the construction of environmentally sound and cost effective new disposal capacity. This includes the expansion of existing landfills, the construction of new ones, the construction of transfer stations, and other solid waste facilities.

There are two categories of financial assistance for new capacity. New regional facilities which accept both commercial and residential waste will be assisted for up to 90 percent of the project cost (60 percent no-interest loan and 40 percent grant). New regional projects which only

accept residential waste will receive up to 90 percent financial assistance (70 percent no-interest loan and 30 percent grant).

In many cases, participating in a regional project means closing a local landfill. Cities and towns in this situation are eligible for financial assistance of up to 90 percent of the cost of closure, split between a 20 percent grant and an 80 percent no-interest loan. Cities and towns which are closing a local landfill but not participating in a regional project are eligible for a loan with interest for up to 90 percent of the cost of closure.

### **How does the Solid Waste Act improve the process for siting solid waste facilities?**

**T**he Commonwealth is given two new roles. First, DEQE will develop new regulations governing the technical criteria (called "site suitability" criteria) that the local Board will use in evaluating the application. The criteria deal with issues such as impact on ground and surface waters, wetlands, and potential impact on public health. Previously, local Boards had no such detailed guidance. Second, proponents of new facilities will now send site assignment applications to DEQE and the Department of Public Health, which will conduct their own evaluations and make recommendations to the local Board.

The Act specifies time limits and public hearing requirements for the decision-making process. It also requires that the local Board's decision must be in writing, and specify the reasons for granting or denying a site assignment. Any person objecting to a site assignment decision can appeal for judicial review of that decision.

The Act retains the municipal Board of Health's power to grant or deny site assignments for new solid waste disposal facilities or the expansion of existing facilities. DEQE's authority to overturn the granting of a site assignment is also retained.

### **How will the Solid Waste Act protect air quality?**

**T**he amount of waste burned in resource recovery facilities (incinerators which recover the energy generated by burning trash and convert that energy into electricity) has been steadily increasing in Massachusetts. The Act contains several measures to ensure that the continued development of resource recovery facilities does not threaten the quality of the air we breathe.

- Using DEQE methodologies, resource recovery facility operators must conduct air emissions tests every nine months. The tests will cover dioxins, furans,

heavy metals, and other chemicals. Results must be available to the public.

- New resource recovery facilities must be fitted with scrubbers to control emissions of acid gases.
- All resource recovery facilities must operate with state-of-the-art emissions control technology. To finance continued upgrading of facilities, each resource recovery facility operator will set aside three percent of all tipping fee revenues into a dedicated fund, which will be used to meet DEQE pollution control requirements.